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**REMARKS**

**Status of the Claims**

Claims 2-37, 39 and 40 are pending in this application. No claims have been canceled or added. Claims 28, 32, 39 and 40 have been amended to recite that the flow of the liquid through the channels is caused exclusively by capillary forces due to the arrangement of the surfaces and channels. Support for this amendment is found in the second full paragraph of page 21 of the specification. No new matter has been added by the above claim amendments.

**Rejection under 35 USC 103(a)**

The Examiner maintains the rejection of claims 2-37 and 39 as obvious over Shartle et al. USP 5,230,866 (Shartle '866), Columbus USP 4,426,451 (Columbus '451), Subramanian et al. USP 5,223,219 (Subramanian '219) or Cottingham USP 5,948,673 (Cottingham '673). Applicants traverse the rejection and respectfully request the withdrawal thereof.

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Applicants submit that the present invention is directed to a sample support, comprising at least one sample receiving chamber for a sample liquid, a distributor channel for a sample liquid, connected to said at least one sample receiving chamber, with at

least one such distributor channel extending from each sample receiving chamber, at least one reaction chamber comprising a cavity which is delimited by surfaces and is entered by an inflow channel branched off said at least one distributor channel, and a venting opening for each reaction chamber, each distributor channel and each inflow channel being dimensioned to have the liquid transport through the distributor and inflow channels effected by capillary forces; wherein, in each reaction chamber, said surfaces in the entrance region of the inflow channel, which delimit the cavity, are arranged so that the sample liquid flows from the inflow channel into the reaction chamber exclusively by capillary force.

The present invention is arranged so that the sample liquid moves through the channels by capillary force only. No external pressure or object is used to create the capillary force. The arrangement of the surfaces and channels alone enables the capillary force.

The Examiner states that Subramanian '219 discloses a chamber where the fluid moves through channels by forces, which include capillary forces. The Examiner also states that the presently claimed invention does not exclude forces other than capillary force.

Applicants respectfully disagree with the Examiner's understanding of Subramanian '219. Although, Subramanian '219

clearly discloses that in each chamber a porous element is inserted to provide for capillary forces (column 6, line 15, which states that the pores are saturated), the apparatus of Subramanian '219 is not arranged so that the fluid flows through channels by the capillary force as a result of the arrangement of the surfaces and channels as in the presently claimed invention. Instead, an external object, the porous element, causes the capillary force.

Applicants also incorporate the remarks in the Reply filed May 29, 2003 regarding the deficiencies in the disclosures of Cottingham '673, Shartle '866 and Columbus '451. None of the references discloses or suggests an apparatus that functions exclusively by capillary force due to the arrangement of the surfaces and channels.

Since none of the cited references discloses or suggests all the limitations of the presently claimed invention in combination or taken individually, Applicants respectfully request that the rejection be withdrawn.

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Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$55.00 is attached hereto.


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Appl. No. 09/623,910

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Marc S. Weiner, #32,181

✓  
MSW/KJR/jao  
0179-0164P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s) :

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